

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, May 18, 2004, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: Supervisors: Silva, Campbell, Norby and Wilson

EXCUSED: Supervisor Smith

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Norby, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Wilson introduced the Honorable Krystyna Tokarska-Biernacik, Consul General of the Republic of Poland

Supervisor Campbell presented a resolution proclaiming May 2004 as "Motorcycle Awareness Month"

Chairman Wilson presented a resolution proclaiming May 2004 as "National Drug Court Month"

Chairman Wilson presented a resolution proclaiming May 31, 2004 as "World No Tobacco Day"

Supervisor Silva presented certificates to winners of the 2004 International Aviation Art Contest

II. CONSENT CALENDAR (Items 1-22)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 2, 4 & 17 WHICH**
X **WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

S U M M A R Y A C T I O N M I N U T E S

COMMENDATIONS/PROCLAMATIONS

1. **Chairman Wilson** - Adopt resolution recognizing Orange County Medical Association Physician of the Year
RESO: 04-121

HEALTH CARE AGENCY

2. Approve grant agreement 03-76010 with State Department of Health Services for beach water quality monitoring and public notification programs, 10/1/03 - 9/30/04 (\$25,000) - All Districts
23145 **APPROVED AS RECOMMENDED**
 X
3. Approve price agreement S1000000284 with Creative Socio-Medics Corporation for management information system maintenance and support, 6/1/04 - 2/28/05 (\$139,779) - All Districts
4. Approve agreement with Latino Center for Prevention and Action in Health and Welfare dba Latino Health Access for chronic disease prevention and management services, FY 2004-05 (\$75,000) - All Districts
45123 **APPROVED AS RECOMMENDED**
 X
5. Approve agreement with Concentra Health Services, Inc. and Occupational Health Centers of California, P.A., dba Concentra Medical Centers for pre-placement and periodic physical examination services, 7/1/04 - 6/30/05 (\$240,000) - All Districts
6. Approve agreement with Seals on Wheels, Inc. for children's dental disease prevention services, 7/1/04 - 6/30/05 (\$258,572) - All Districts
7. Approve price agreement S1000000282 with Moreland & Associates, Inc. for audit services, 5/18/04 - 4/30/05 (\$195,100) - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

8. Approve price agreement N1000005925 with Cotton/Bridges/Associates to assist in development of 5-year consolidated plan for community planning and development programs (\$107,635) - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

9. Approve license agreement with Calvary Chapel of the Canyons for rent-free use of property to conduct household hazardous waste collection event, Silverado area, 6/11/04 - 6/14/04; and make California Environmental Quality Act findings - District 3

JOHN WAYNE AIRPORT

10. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 (c)(1) for Phase II structural security modifications; set review to determine continuing need for emergency action for 5/25/04, 9:30 a.m. and every 14 days thereafter - District 2 (4/5 vote) (Continued from 3/9/04, Item 46; 3/23/04, Item 10; 3/30/04, Item 13; 4/20/04, Item 12; 5/4/04, Item 6)

S U M M A R Y A C T I O N M I N U T E S

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

11. Accept work with Hilbrick Construction for public restroom renovation, Newport Harbor Patrol Facility, project completed 2/27/04 (\$204,127) - District 2
12. Approve plans and specifications and set bid opening for 6/23/04, 2:00 p.m., for installation of new counters, Lamoreaux Justice Center - District 3
13. Authorize release of security for street improvements, street lights, landscaping and monumentation, Tract 15945, Irvine Community Development Company, Newport Coast area - District 5
14. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve agreement D03-088 with David Evans and Associates, Inc. for on-call environmental services, one year term (\$200,000); authorize Director to execute two one-year extensions under certain conditions; and make California Environmental Quality Act findings - All Districts

RESOURCES AND DEVELOPMENT MGMT DEPT & INTEGRATED WASTE MGMT DEPT

15. Approve and accept grant deeds; approve amendment 4 to Irrevocable Offer of Dedication from and quitclaim to The Irvine Company for Limestone-Whiting Wilderness Park; and make California Environmental Quality Act findings - District 3

SOCIAL SERVICES AGENCY

16. Approve Memorandum of Understanding CMZ2204 with California State University, Fullerton for provision of undergraduate field work experience, 5/18/04 - 6/30/08 - All Districts

PUBLIC PROTECTION

17. **District Attorney** - Adopt resolution approving submission and execution of agreement with State Victim Compensation and Government Claims Board for continued participation in State Restitution Program, 7/1/04 - 6/30/05 (\$115,834.72); authorize District Attorney or designee to execute amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts

APPROVED AS RECOMMENDED

X

RESO: 04-122

Sheriff-Coroner:

18. Approve termination of emergency action originally approved on 3/16/04 for emergency replacement of water softener system, Intake Release Center - District 1 (Continued from 3/16/04, Item 36; 3/30/04, Item 41; 4/20/04, 40; 5/4/04, Item 12)
19. Approve amendment to agreement with Community Service Programs, Inc. for domestic violence victim services, 4/8/04 - 4/7/05 (\$59,274) - All Districts
20. Authorize use of County vehicles and staff for transportation of explorers to attend 2004 Colorado Regional Law Enforcement Explorer Conference, 6/11/04 - 6/20/04 and Channel Islands Explorer Challenge, 6/16/04 - 6/19/04; and make appropriate findings - All Districts

GENERAL ADMINISTRATION

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- 21. **Auditor-Controller** - Set 6/29/04 as date to establish appropriations limits for entities governed by County Board of Supervisors for FY 2004-2005 (document available for public review in the office of the Auditor Controller, commencing 6/07/04) - All Districts
- 22. **County Executive Office** - Receive and file Quarterly Donated Space Report - All Districts

END OF CONSENT CALENDAR

S U M M A R Y A C T I O N M I N U T E S

III. DISCUSSION ITEMS (Items 23-S39A)

HEALTH CARE AGENCY

23. Adopt resolution approving agreement 03-015-250-0 with State Water Resources Control Board for leaking underground storage tank cleanup, 7/1/03 - 6/30/04 (\$1,324,200); and authorize Director or designee to execute subsequent amendments under certain conditions - All Districts

32145 **APPROVED AS RECOMMENDED**

X

RESO: 04-123

24. Approve agreement with and authorize submission of FY 2003-04 Description of Proposed Expenditures to State Department of Health Services for California Healthcare for Indigents Program (\$459,447); approve master agreement with various hospitals for provision of Indigent and Trauma Care services, FY 2003-04; and authorize Director or designee to execute individual agreements - All Districts

32145 **APPROVED AS RECOMMENDED**

X

25. Approve amended Notice of Grant Award with State Department of Alcohol and Drug Programs for Comprehensive Drug Court Implementation, 12/29/03 - 12/28/04 (\$186,343; new total \$690,263) - All Districts

34125 **APPROVED AS RECOMMENDED**

X

INTEGRATED WASTE MANAGEMENT DEPARTMENT

26. Approve amended price agreement N2000004724 for assignment of agreement from American Tire Disposal, Inc. to Greenman Technologies of California, Inc. for whole waste tire removal and recycling services, Olinda Alpha Landfill, effective 4/15/04 - District 3

35124 **APPROVED AS RECOMMENDED**

X

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

27. Approve amended master agreements with various firms for contract administrator-project management services (\$500,000 each agreement); and authorize purchasing agent or designee to execute related sub-agreements - All Districts

24135 **APPROVED AS RECOMMENDED**

X

28. Approve take over agreement with American Manufacturers Mutual Insurance Company, a subsidiary of Kemper Insurance for completion of Superior Court/Remodel Floors 9-11- District 1 (Continued RA # 4 & 5 from 4/27/04, Item S40A; 5/4/04, Item 17; 5/11/04, Item 28)

54123 **APPROVED AS RECOMMENDED**

X

29. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve amended agreements D02-090, D02-091, D03-011 and D03-055 with chamber group, RBF Consulting and UltraSystems Environmental Inc. for engineering environmental services, San Diego Creek; and make California Environmental Quality Act findings - All Districts

23145 **APPROVED AS RECOMMENDED**

X

S U M M A R Y A C T I O N M I N U T E S

PUBLIC PROTECTION

Probation:

30. Adopt resolution approving grant award agreement IP02A10300 with State Board of Corrections for continued funding of Juvenile Accountability Block Grant/Juvenile Drug Court Program, 10/1/03 - 6/29/04 (\$212,530); authorize Chief Probation Officer to execute subsequent amendments under certain conditions; and make California Environmental Quality Act findings - All Districts
24135 **APPROVED AS RECOMMENDED**
X
RESO: 04-124
31. Adopt resolution approving grant agreement 119-98 with State Board of Corrections for Youth Leadership Academy project, Juvenile Hall, 5/21/99 - 12/31/05 (\$8,444,770); designate Chief Probation Officer as construction administrator, Auditor-Controller as project financial officer and Chief Deputy Probation Officer as project contact - District 3
32145 **APPROVED AS RECOMMENDED**
X
RESO: 04-125
32. **Sheriff-Coroner** - Adopt resolution approving amended Intergovernmental agreement J-E12-M-144 with U.S. Marshals Service for housing of federal prisoners in County jail system; approve rates of cost recovery; and authorize Sheriff-Coroner to update rates annually to ensure full cost recovery - All Districts (Continued from 5/11/04, Item 31)
B.O. **CONTINUED TO 5/25/04, 9:30 A.M.**

GENERAL ADMINISTRATION

33. **Clerk-Recorder** - Approve agreement with Data Tree LLC for purchase of real estate transaction images and approve budget adjustments - All Districts (4/5 vote)
32145 **APPROVED AS RECOMMENDED**
X

County Executive Office:

34. Approve purchase and sale agreement with Santa Ana Community Redevelopment Agency for sale of County's vacant Forrest Paul Park parcel; and make California Environmental Quality Act findings - District 1 (4/5 vote)
B.O. **CONTINUED TO 5/25/04, 9:30 A.M.**
35. Approve amended price agreement N5000000064 with MS Data Service Corporation for Countywide data entry services, ending 4/21/04 (\$36,000; new total \$704,800) - All Districts
23145 **APPROVED AS RECOMMENDED**
X

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36. Adopt resolutions of intention to establish Community Facilities District No. 2004-1 (Ladera Ranch); incur bonded indebtedness (\$85 million); make appropriate findings, set public hearing for 6/29/04, 9:30 a.m.; amend Orange County Public Finance Program Policy Statement and Applicant Information Package; and authorize Financial Advisor to prepare Policy Compliance Report - District 5
52134 **APPROVED AS RECOMMENDED**
X
RESO: 04-126 - 04-128
37. Approve amended price agreement N2000004717 with Saile Technology, Inc. for professional information technology services (\$90,000; new total \$180,000); and renewable for one additional year (\$180,000; new total \$270,000) - All Districts
B.O. **CONTINUED TO 5/25/04, 9:30 A.M.**
38. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
32145 **APPROVED AS RECOMMENDED WITH EXCEPTION OF POSITION ON AB2474**
X **WHICH WILL BE CONTINUED TO 5/25/04, 9:30 A.M.**
- B.O. **RECEIVED UPDATE ON STATE BUDGET MAY REVISE**
39. **Supervisor Campbell and Supervisor Norby** - Board of Supervisors Subcommittee on Elections - Receive Final Report regarding 2004 March Primary Election; direct CEO to oversee the implementation of the recommended actions contained in the report; direct the Registrar of Voters to appear before the Board at its third regularly scheduled meeting in each month leading up to November to provide an update on Election Day planning processes; and receive report from the Registrar of Voters as to the process of the Board approved activities contained in the Registrar of Voters' Immediate Actions Report
32145 **APPROVED AS RECOMMENDED AND DIRECTED STAFF TO CHANGE BOARD'S**
X **POSITION ON AB1428 FROM "OPPOSE" TO "NEUTRAL" AT THIS TIME**
- S39A. **Chairman Wilson** - Adopt resolution recognizing The Healthcare Foundation for their commitment to promoting healthcare access to the community
53124 **APPROVED AS RECOMMENDED**
X
RESO: 04-129

IV. PUBLIC HEARINGS (Items 40-41)

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

40. Public Hearing to consider first reading of "An Ordinance of the County of Orange, California to Adopt the 2004 Building and Planning Schedules Including the 2004 Building and Safety Deposit and Fee Schedule, 2004 Building and Safety Rate Table, and 2004 Planning, Subdivision and Grading Permit Deposit and Fee Schedule"; and set second reading and adoption for 5/25/04, 9:30 a.m. - All Districts
B.O. **CLOSED PUBLIC HEARING**
- 42135 **APPROVED AS RECOMMENDED, DIRECTED STAFF TO WORK WITH DEVELOPMENT**
X **PROCESSING REVIEW COMMITTEE TO DEVELOP AND IMPLEMENT A DETAILED ACTION PLAN WITH MEASURABLE OBJECTIVES FOR SERVICE IMPROVEMENTS AND RETURN TO THE BOARD WITHIN THE NEXT THREE MONTHS WITH STATUS**

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41. Public Hearing to consider adopting resolution approving revised fee schedule for Harbors, Beaches and Parks operational expenses; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

32145 **APPROVED AS RECOMMENDED**

X

RESO: 04-130

V. CLOSED SESSION (Items CS-1-CS-4)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Name of Case: Ellen Lawson v. County of Orange, AHM 0094029

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR SMITH BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ELLEN LAWSON V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

- CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Name of Case: Debbie Rangel v. County of Orange, LBO 0337621

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR SMITH BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF DEBBIE RANGEL V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

- CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): The case is: County of Orange v. Orange County Assessment Appeals Board No. 3, OCSC Case No. 00CC03385

B.O. **HELD, NO REPORTABLE ACTION**

- CS-4. **County Executive Office** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6: Agency Negotiator: Susan Paul Employee Organizations: American Federation of State, County and Municipal Employees Local 2076, Orange County Attorneys Association, Orange County Employees Association, International Union of Operating Engineers Local 501 and Service Employees International Union Local 787

B.O. **HELD, NO REPORTABLE ACTION**

S U M M A R Y A C T I O N M I N U T E S

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Larry Laven - Oral Re: Mental Health issues

Darrell Nolte - Oral Re: Voting issues and Westminster City Council issues

BOARD COMMENTS:

None

ADJOURNED: 1:00 P.M.

*** KEY ***

Left Margin Notes

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order

Right Margin Notes

- O. = Ordinance
- R. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board